

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-13 are in this case. Claims 5-11 have been rejected under § 112, second paragraph. Claims 1-13 have been rejected under § 102(b). Independent claim 1 and dependent claims 2 and 5-9 have been amended. Claim 4 has been canceled. New dependent claim 14 has been added.

The claims before the Examiner are directed toward an intravascular device in which a closed loop of flexible material is initially folded and straightened for use in a minimally invasive delivery system and is configured so as to be elastically biased to a predefined curved form such that, when advanced beyond the delivery system, the curved bias results in deployment of the loop in a retention configuration generally perpendicular to the deployment system's feed direction. No such structure is taught or in any way suggested by the cited references.

§ 112, Second Paragraph Rejections

The Examiner has rejected claims 5-11 under § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Specifically, the Examiner has pointed out that the terms "said ring" or "said closed ring" in claims 5-9 lack sufficient antecedent basis.

This inadvertent error has now been corrected by replacing the offending terms with --said closed loop-- as explicitly recited in claim 1.

In view of this revised language, the Applicant respectfully submits that the claims are now free from the deficiencies identified by the Examiner under § 112, second paragraph.

§ 102(b) Rejections

The Examiner has rejected claims 1, 4-7 and 9-13 under § 102(b) as being anticipated by Barbut et al. (US 5769816). The Examiner has also rejected claims 1-3 and 8 under § 102(b) as being anticipated by Spaeth et al. (US 5312416). The Examiner's rejections are respectfully traversed.

Barbut et al. discloses a cannula with an associated annular filter which is supported by an inflatable ring. The orientation of the inflatable ring is not dictated by the structure of the ring itself but rather controlled by a set of tie lines 250.

Spaeth et al. discloses a tissue retrieval device in which a net is mounted on a retractable loop for use in body cavities (not intravascularly). The loop, when open, lies in the feed direction and is not capable of deploying transversely relative to the feed direction.

In contrast, the device of the present invention provides a loop elastically biased to a predefined curved form such that, when advanced beyond the delivery system, the curved bias results in deployment of the loop in a retention configuration generally perpendicular to the deployment system's feed direction.

While continuing to traverse the Examiner's rejections, the Applicant has, in order to expedite the prosecution, chosen to amend independent claim 1 in order to clarify and emphasize the crucial distinctions between the device of the present invention and the device of the patents cited by the Examiner. Specifically, claim 1 has been amended to include limitations similar to now canceled dependent claim 4, explicitly reciting a delivery system defining a feed direction, and clarifying that the

closed loop is *“further configured so as to be elastically biased to a predefined curved form such that, when said closed loop is advanced beyond said delivery system, said biasing to a curved form results in deployment of said loop in a direction generally perpendicular to said feed direction ...”*.

Dependent claim 2 has been amended to be consistent with the amendment of claim 1.

New dependent claim 14 further defines the preferred compound curvature of the formation for retention.

Support for these amendments can be found in the specification, and specifically in Figures 9A-9D and on page 8 lines 24-30.

Amended independent claim 1 now features language which makes it absolutely clear that the device of the present invention includes a loop elastically biased to a predefined curved form such that, when the closed loop is advanced beyond the delivery system, the biasing to a curved form results in deployment of the loop in a direction generally perpendicular to the feed direction. The Applicant believes that the amendment of the claims completely overcomes the Examiner's rejections on § 102(b) grounds.

In view of the above amendments and remarks it is respectfully submitted that independent claim 1, and hence also dependent claims 2, 3 and 5-14, are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,

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